

Dkt. No. 96700/952

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Brian Evans, et al.

Appl. No. : 10/524,995 (National Stage of PCT/NZ2003/000186)

I.A. Filing Date : August 21, 2003

For : INHIBITORS OF NUCLEOSIDE PHOSPHORYLASES  
AND NUCLEOSIDASES

Customer No. : 1912

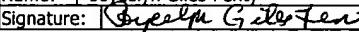
Examiner : Not yet assigned

Group Unit : Not yet assigned

**COMMUNICATION IN RESPONSE TO AUGUST 18, 2005 NOTIFICATION  
OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

"Express Mail" mailing label no.	EL 993158140 US
Date of Deposit:	September 27, 2005
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Joycelyn Giles-Fenty
Signature: 	

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated August 18, 2005, enclosed are the following:

1. a copy of the August 18, 2005 Notification of Missing Requirements (3 pages, Exhibit 1);
2. two Declarations for Utility or Design Patent Application executed by the inventors for the above-identified application (8 pages, Exhibit 2);
3. six Powers of Attorney (6 pages, Exhibit 3);
4. a Supplemental Preliminary Amendment (8 pages, Exhibit 4);
5. a Fee Calculation Sheet (1 page, Exhibit 5) in which the additional claims fee has been calculated based upon entry of the Supplemental Preliminary Amendment;

~~Rec'd PCT/PTO~~ 27 SEP 2005

Applicants : Gary Brian Evans, et al.  
Appl. No. : 10/524,995 (National Stage of PCT/NZ2003/000186)  
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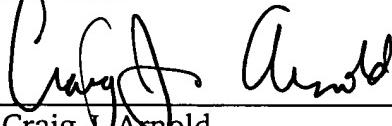
6. a Communication Relating to Sequence Listing (1 page, Exhibit 6);
7. a check for \$480 to cover the \$350 additional claims fee and the \$130 surcharge fee, for a large entity; and
8. a return receipt postcard.

A response to the August 18, 2005 Notification is due October 18, 2005. Accordingly, this response is being timely filed.

Authorization is hereby given to charge any deficiency or credit any overpayment, or charge any additional fees necessary to preserve the pendency of the subject application, to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, New York 10016  
(212) 336-8000

Dated: September 27, 2005  
New York, New York  
By:   
Craig J. Arnold  
Registration No. 34,287

20/04/2005 ATRAN1 00000135 10524995

01 FC:1617 130.00 OP  
02 FC:1515 350.00 OP

10/524995

Rec'd PCT/PTO 27 SEP 2005

Dkt. No. 96700/952

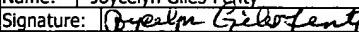
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Brian Evans, et al.  
Appl. No. : 10/524,995 (National Stage of PCT/NZ2003/000186)  
I.A. Filing Date : August 21, 2003  
For : INHIBITORS OF NUCLEOSIDE PHOSPHORYLASES  
AND NUCLEOSIDASES  
Customer No. : 1912  
Examiner : Not yet assigned  
Group Unit : Not yet assigned

COMMUNICATION RELATING TO SEQUENCE LISTING

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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Name:	Joycelyn Giles-Fenty
Signature: 	

The August 18, 2005 Notification for Missing Requirements requires the submission of a Sequence Listing. Applicants' undersigned attorney has reviewed the application and cannot locate any sequences. It is respectfully requested that the U.S. Patent Office identify where the sequences are located in the application so that a response can be made to comply with the Sequence Listing Rules.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, New York 10016  
(212) 336-8000

By:   
Craig J. Arnold  
Registration No. 34,287

Dated: September 27, 2005  
New York, New York

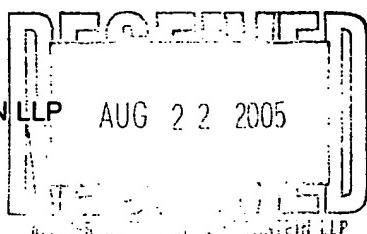


**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,995	Gary Brian Evans	96700/952

1912  
 AMSTER, ROTHSTEIN & EBENSTEIN LLP  
 90 PARK AVENUE  
 NEW YORK, NY 10016



INTERNATIONAL APPLICATION NO.	
PCT/NZ03/00186	

I.A. FILING DATE	PRIORITY DATE
08/21/2003	08/21/2002

**CONFIRMATION NO. 3210**  
**371 FORMALITIES LETTER**  
**\*OC000000016812095\***  
**\*OC000000016812095\***

Date Mailed: 08/18/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/18/2005
- Copy of the International Search Report filed on 02/18/2005
- Preliminary Amendments filed on 02/18/2005
- U.S. Basic National Fees filed on 02/18/2005
- Priority Documents filed on 02/18/2005

AMSTER, ROTHSTEIN & EBENSTEIN	8-23-05
DOCKETED	96700/952
CLIENT	10-18-05 - 2-15-06
DUE DATE	ACTION Resp To Missing Requirements DUE
DKT BY HP	REVIEWED BY

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$810 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$830 for a Large Entity:

- **\$130 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- Total additional claim fee(s) for this application is **\$ 810**

- **\$450 for 9 total claims over 20.**
- **\$360 for multiple dependent claim surcharge.**

(A previous payment of \$110 will be applied to the additional fees indicated above.)

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A.BURT

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Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,995	PCT/NZ03/00186	96700/952

FORM PCT/DO/EO/905 (371 Formalities Notice)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

480.00

## Complete if Known

Application Number	10/524,995
Filing Date	I.A. August 21, 2003
First Named Inventor	Gary Brian Evans
Examiner Name	
Art Unit	
Attorney Docket No.	96700/952

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 01-1785 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
27	- 20 or HP = 7	x 50	= 350			

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		
1	- 3 or HP = 0	x 0	= 0		

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/ 50 = (round up to a whole number)	x	=

## 4. OTHER FEE(S)

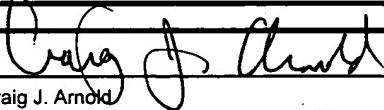
Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): \$130 Surcharge fee

130

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 34,287	Telephone (212) 336-8000
Name (Print/Type)	Craig J. Arnold		Date September 27, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.